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THE
METROPOLITAN CORPORATION
OF
GREATER WINNIPEG
REVIEW COMMISSION
REPORT AND RECOMMENDATIONS

FEBRUARY, 1964

I. INTRODUCTION

This commission, officially designated as "The Metropolitan Corporation of Greater Winnipeg Review Commission", which throughout this report will be referred to simply as "the commission", was established by an Order-in-Council dated October 2nd, 1962 (No. 1250/62)⁽ⁱ⁾ for the purpose of inquiring into all facts and circumstances relating to the following:

- "(a) The financial relationships of the Metropolitan Corporation and the area municipalities.
- (b) The form and structure of the Metropolitan Government with a view to the adjustment of any factors that will make for more effective relationship with the area municipalities.
- (c) The structure and methods of the inter-governmental relationships of Metropolitan Government and the area municipalities with a view to such technical alterations as will make for more effective local government in the area.
- (d) The boundaries of the Metropolitan Corporation and all the area municipalities and their suitability in the light of the services required.
- (e) Generally all matters pertinent to Metropolitan Government in Greater Winnipeg, not being inconsistent with matters herein above-mentioned which the Commission may deem appropriate or which the Lieutenant-Governor-in-Council may refer to from time to time."

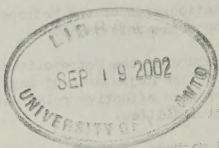
The commission was given power to regulate its own procedure, to employ necessary staff and assistance, to procure the attendance of witnesses and the production of documents, and to conduct one or more public hearings - all in accordance with the usual powers and procedure of commissions established to conduct inquiries under The Manitoba Evidence Act. The commission was appointed also under the authority of section 210 of The Metropolitan Winnipeg Act as amended.⁽ⁱⁱ⁾

The original Act had provided for a review in the year 1965 of the common municipal services to which the Act applied, and of the operation of the Act and the activities of the Metropolitan Corporation and the area municipalities thereunder.

(i) APPENDIX A.

(ii) 1960, Cap.40, s.210; 1962, Cap.96, s.2.

The Committee on the Status of Women in the United States, which was established in 1975, has been instrumental in the development of the National Commission on the Status of Women. The Commission was established in 1975 and has been instrumental in the development of the National Commission on the Status of Women. The Commission was established in 1975 and has been instrumental in the development of the National Commission on the Status of Women.



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The terms of reference quoted above, when considered in relation to the provisions of the statute, make it quite clear that the government, in setting up this commission, desired a review of the operations of the Act in the light of the actual experience of the Metropolitan Corporation, and an examination of any difficulties which might have become evident in the administration of the statute. The specific references to financial and administrative relationships of the Metropolitan Corporation and the area municipalities, clearly suggests an examination and review of actual operations under the metropolitan system of local government which the statute set up, rather than a reconsideration of the basic government policy decision which was implemented by the Act. The commission therefore decided at the outset that its main duty was to obtain all available information relating to the actual experience of the corporation and its various administrative divisions, and in particular, the extent of its success in developing acceptable, practical working arrangements with the various local councils during the first two years of the life of the newly created metropolitan organization. It was hoped that after such a review and after considering the opinions of both elected and appointed officials, the commission could decide whether, by amendments of the legislation or changes in administrative procedures, the corporation and the area municipalities together would be in a better position to carry on the responsibilities of local government in the Greater Winnipeg area.

After considering the terms of the Order-in-Council under which it was established the commission invited representatives of all the area municipalities to attend a public hearing on November 14th, 1962 for the purpose of hearing their representations as to procedure and, in particular, the time they would require to obtain and analyse basic financial and other information, and to prepare written submissions or briefs. All the municipal representatives agreed that it would be desirable to allow ample time for the preparation and submission of briefs, that an exchange of briefs and submissions should be arranged, and that all should have an opportunity to submit supplemental briefs by way of reply well in advance of the commencement of the public hearings. The commission issued instructions accordingly, making it clear, however, that it would be inviting briefs from interested associations and individuals, as well as from the councils of the 19 municipalities wholly or partly in the metropolitan area, and the 4 municipalities in the additional zone. As a matter of fact, either prior to or during the public hearings the commission received 24 original or supplemental briefs from the corporation and the interested municipalities, an additional 12 briefs from various associations and organizations, and 24 submissions from individuals, making a total of 60 written submissions in various forms, all of which have been listed in APPENDIX B to this report.

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Public hearings of the commission commenced in the Legislative Building on April 29th, 1963, and continued, with some interruptions, for a total of 9 days, during which time the commission heard the oral presentations of some 40 witnesses and discussed with most of them, in detail, the facts and circumstances disclosed in the submissions, their views and opinions with respect to the operation of the Metropolitan Corporation, various proposals for changes, and other related matters. The proceedings of the commission throughout the public hearings were recorded and eventually transcribed in 6 volumes of evidence with some 2,000 pages of transcript.

In addition to the briefs and written submissions previously mentioned the commission received 33 exhibits, many of them comprising lengthy detailed reports and engineering studies. A list of these will be found in APPENDIX C attached to this report.

Following the public hearings the commission, with the co-operation of various departments of the provincial government and officials of the corporation and the municipalities concerned, requested and obtained additional statistical and factual information and a number of other reports which, either before or since the conclusion of the hearings, had been issued and were available to all concerned. These documents have been assigned exhibit numbers for convenient reference and have been added to the list APPENDIX C.

Throughout this report The Metropolitan Corporation of Greater Winnipeg will be called "the corporation" and each of the municipal corporations in the metropolitan area or in the additional zone will be referred to simply by its common or popular name without reference to its status or classification as a city, town or rural municipality.

II. THE METROPOLITAN WINNIPEG ACT

The commission does not consider it necessary in this report to review in any great detail the historical background of the establishment of what has come to be known as metropolitan government in the Greater Winnipeg area by The Metropolitan Winnipeg Act of 1960.

The Act created the second metropolitan government in Canada, the first having been established in Ontario with the passage of The Municipality of Metropolitan Toronto Act in 1953.⁽ⁱ⁾

(i) R.S.O. 1960, Cap.260; Amended by O.S. 1961-62, Cap.88; O.S. 1962-63, Cap.89.

As was to be expected, many references were made in the briefs, exhibits and evidence, to the substantial similarity between these two important pieces of municipal legislation in adjoining provinces, as well as the differences between them. There were also significant differences in background.

In the Winnipeg area, for many years before the establishment of the metropolitan government, there had been set up a number of single-purpose inter-municipal boards and commissions, including the Greater Winnipeg Water District (1913), the Mosquito Abatement District (1927), The Greater Winnipeg Sanitary District (1935), the St. James-Winnipeg Airport Commission (1937), the Metropolitan Planning Commission (1949), the Metropolitan Civil Defence Board (1951), the Greater Winnipeg Transit Commission (1953), as well as a number of other special boards or authorities. In the Toronto area, by contrast, although there had been a large number of inter-municipal service arrangements as between local municipalities and one or more of their immediate neighbours, there were few, if any, single-purpose authorities of the type found in the Winnipeg area.

The growing need for co-ordination of the activities, projects and services provided or planned by these authorities, and a wide-spread feeling that these independent single-purpose authorities could not be expected to provide adequately for the joint services essential to the needs of all the municipalities in the area, especially those which were experiencing rapid post-war development, resulted in the formation of a special "Metropolitan Sub-committee" to consider the matter of the organization of local government services in the Greater Winnipeg area as part of the undertaking of a larger Committee on Provincial-Municipal relations in 1951. The Sub-committee, headed by Mr. C. E. Simonite, a Winnipeg alderman at that time, reported in November, 1952, and recommended "the establishment of a single Metropolitan Board which would supersede all existing Metropolitan Boards or Commissions and be responsible for all the services now being administered by these bodies together with any other services which might in future be organized on a metropolitan basis." It also recommended that the Board be authorized to borrow money to finance metropolitan projects and to impose levies on the municipalities within its jurisdiction "thereby ensuring an equitable distribution of the cost of the services which it provided." (i) Other recommendations of this sub-committee will be referred to later in this report.

(i) Exhibit No.34 .

The report of the main committee on Provincial-Municipal relations was presented by Mr. Douglas L. Campbell, then Premier, to the Legislative Assembly in February, 1953, together with a lengthy written statement of government policy which was printed with the report and contained the following significant reference to the main proposal of the Metropolitan Sub-committee:

"The Government agrees that action along these lines, if satisfactory to the municipalities concerned, could result in increased efficiency and economy The Government is prepared, if the Councils of the City of Winnipeg and adjoining municipalities so advise, to bring in legislation for that purpose at the present Session."

It was interesting to note that while this report and the accompanying policy statements were being considered by the Legislature of Manitoba in February, 1953, The Honourable L. M. Frost, then Prime Minister of Ontario, had, in the same month of the same year, introduced to the Legislature of Ontario the well-known "Bill 80" which was adopted at the same session as "The Municipality of Metropolitan Toronto Act 1953".

All that could be agreed upon in Manitoba at that time was the need for a much more comprehensive investigation of the so-called "metropolitan problem" by a smaller commission with broader terms of reference. As a result, an Order-in-Council was passed on September 6th, 1955, establishing a new commission called The Greater Winnipeg Investigating Commission composed of five persons appointed from a list submitted by the municipalities with very broad terms of reference and with power to travel beyond the boundaries of Manitoba "to assess the operation of metropolitan government in other provinces in Canada or elsewhere".(i)

The Greater Winnipeg Investigating Commission, after an extensive investigation, submitted its report in 1959. It included an examination of the history of local government and school district organizations in the Greater Winnipeg area, an interesting account of the origin and economic development of Greater Winnipeg, a description of existing services and service problems, and a discussion of various alternative proposals for local government reorganization. The report contained numerous and far-reaching recommendations for the reorganization of municipal government in the area. The most important and fundamental recommendation was that legislation be passed creating the Municipality of Metropolitan Winnipeg to be governed by a council of 14 members and a chairman appointed in the first instance by the Lieutenant-Governor-in-

Council and thereafter by the members of the council. It was proposed that six members of the council be elected directly by metropolitan districts, and the remaining eight to consist of the elected heads of the eight cities or municipalities to be created within the area by a series of interior amalgamations and annexations.⁽ⁱ⁾

The commission recommended that the new metropolitan municipality be given jurisdiction to perform a lengthy list of services and functions, including the financing of a substantial portion of both the capital and current expenditures of the local school boards. Other services and functions to be entrusted to the metropolitan authority included water supply and distribution, public transportation, distribution of power, airport facilities, major sewage and drainage, metropolitan highways, regional planning and zoning, metropolitan parks, certain welfare services, and other miscellaneous services, including mosquito abatement and the provision of garbage disposal facilities. Further reference to the recommendations contained in that valuable and interesting report will be made later in this report.

Finally, after a period of consultation with representatives of the area municipalities the provincial government introduced Bill 62 at the 1960 session of the Legislature, which was finally adopted at the same session as "The Metropolitan Winnipeg Act".⁽ⁱⁱ⁾ Minor amendments have been made in each subsequent session and these will be referred to as occasion arises.

In accordance with the recommendations of the Greater Winnipeg Investigating Commission, the Act provides for the establishment of a Metropolitan Corporation with powers and responsibilities in respect of a specific number of services considered to be of joint concern throughout the entire area, while leaving to the existing local councils continued responsibility for all other municipal services in accordance with existing general or special legislation.

The metropolitan area was defined by the statute so as to include the whole of nine local municipalities, most of seven others, and portions of another three. The outer boundary in general followed a line drawn approximately half a mile beyond the perimeter highway being built by the provincial government around Greater Winnipeg. The Act further defined an "additional zone" extending about five miles in all directions beyond the metropolitan boundaries. This additional zone was created in order to enable the Metropolitan Corporation to exercise a considerable amount of development control in the surrounding fringe areas, and its area amounted to some 425 square miles. The metropolitan area proper has an area of 235 square miles. As a

(i) Exhibit 35, pp. 249, 253

(ii) 1960, Cap.40

result, the establishment of the metropolitan area affected to some degree the jurisdiction previously exercised by local councils over all or parts of 23 municipalities comprising 7 cities, 2 towns and 14 rural municipalities. However 4 of these rural municipalities, namely, Ritchot, Tache, St. Andrews and St. Clements, were affected only because parts of their territory were included in the additional zone. Of the remaining 19, 10 were partly in the metropolitan area with other parts in the additional zone. These included even St. Boniface where a comparatively small portion of the city at the extreme south east corner was located outside the metropolitan boundary.

The Act assigned the following functions, powers and responsibilities to the new corporation:

(a) Within the entire area:

Assessment on a uniform basis of all property in the metropolitan area for metro purposes and for the purposes of local taxation.

Planning, zoning and building controls within the entire area, including the 19 area municipalities and the areas within the additional zone.

(b) Within the metropolitan area:

Water supply and wholesale distribution within the metropolitan area, and some control over standards of local connecting mains.

Sewage and land drainage, collection and disposal, not including local collection.

Major streets and bridges.

Public transportation.

Major parks and recreation areas.

Civil defence and disaster.

Mosquito abatement.

The Act also provides for the eventual assumption by the Metropolitan Corporation of responsibility for garbage and refuse disposal, noxious weed control, and certain controls under The Rivers and Streams Act but these additional powers, as of this date, have not been proclaimed in force.

By the terms of the Act various parts and sections could be and were, in fact, brought into force at different times after the date of the passage of the Act. The last such proclamation, issued on March 22nd, 1961, together with a number of others which had preceded it, had the effect of bringing into force the entire statute except the sections dealing with the miscellaneous powers previously mentioned.

The Metropolitan Corporation is given authority to issue debentures for its purposes without reference to the ratepayers but subject to the approval of the Municipal Board. If the proposed debenture issue exceeds \$500,000 the Municipal Board is required to hold and give notice of a public hearing. The corporation is authorized and required to levy against the area municipalities its current annual net requirements, including debt charges, generally in proportion to their relative assessments, but the total of such levies before allocation may be reduced by the collection of a portion of the business and personal property taxes collected by the municipalities, subject to the approval of the Municipal Board. The corporation does not levy taxes directly upon the ratepayers, each municipality being responsible for the collection of its share of the corporation's levy.

The statute provides for the government of the corporation by a council of ten members directly elected by the people in ten metropolitan electoral divisions. In addition, the statute provides for the appointment of a chairman of the council for the initial four-year period by the Lieutenant-Governor-in-Council and thereafter by the members of the council who may appoint one of their own number or a previous chairman, resulting in the latter case in a council of eleven members. The first chairman, Mr. R. D. G. Bonnycastle, was appointed by the Lieutenant-Governor-in-Council on July 1st, 1960, and the first council was elected in October of the same year and took office on November 1st, 1960.

The above brief summary of the organization, powers and responsibilities of the present Metropolitan Corporation, is considered sufficient for the purpose of indicating the general principles adopted by the government and the extent of its acceptance of the numerous recommendations made by the Greater Winnipeg Investigating Commission. It is apparent that many of the major recommendations were found acceptable. Most of these had been previously approved in a brief presented to the Investigating Commission in 1957 by a majority of the suburban municipalities. Some of the most significant variations concerned the composition of the Metropolitan Council and the failure to include a number of proposed metropolitan functions, including the financing of a portion of capital and current school expenditures. The government also apparently found unacceptable the proposals for interior territorial changes.

This commission does not consider that any useful purpose will be served by a detailed examination of the statute, which is necessarily a lengthy and complicated piece of legislation with numerous references to existing general and special legislation and a large number of detailed provisions obviously designed to avoid as many legal difficulties and administrative problems as possible in the first critical years in the operation of a completely new and more or less experimental form of municipal institution. We feel, however, that in passing we must compliment those responsible for the drafting of the Act, which shows every evidence of skilful and patient attention to detail. Undoubtedly, and certainly in the early years, there will be a need for a reconsideration and possible amendment of some of the sections to clarify the intention of the Legislature and to meet unexpected difficulties which may arise in the actual administration of the statute. In the case of Metropolitan Toronto amendments of this type have been found necessary in each of the ten years following the passage of the original statute.

Moreover, your commission does not consider it necessary to embark upon a discussion of all the functions which have been assigned to the corporation. We prefer to consider mainly the portions of the statute which, throughout the public hearings and in the various briefs and submissions, appear to have most seriously concerned the area municipalities, and the matters most often referred to in criticism of the legislation and its administration by the metropolitan council and its officials. These matters appear to fall naturally into a few major classifications which correspond roughly with the first four paragraphs of our terms of reference.

III. FINANCIAL RELATIONSHIPS

The Act, of necessity, authorized the metropolitan council to borrow money by the issue of debentures and also by way of temporary loans to meet its current obligations pending the actual collection of the levies made on the area municipalities. An important and significant provision requires that the corporation obtain the approval of the Municipal Board before it incurs any debt or issues debentures other than temporary loans for current expenditures, and where the principal amount of the debentures to be issued exceeds \$500,000 the Municipal Board is required by statute to conduct a public hearing and to give notice thereof to the ratepayers, generally by newspaper publication, and to each of the area municipalities by written notice. (i)

These important requirements clearly seem intended to give the area municipalities, through their elected councils, an opportunity to present officially any objections they may have to any of the corporation's proposals for capital expenditures before any such work is undertaken, and would seem to provide ample protection for any municipalities who, because of their own financial position, fear that metro undertakings will place an undue burden upon their taxpayers. Even although the members of the Metropolitan Council can be expected to give most serious consideration to the position of the taxpayers in the Metropolitan Area, as a whole, and those residing within their own divisions, in particular, this section of the Act clearly provides a very definite safeguard for the area municipalities, large or small, available to locally elected councils.

Moreover, this provision enables any local council to present for final adjudication by an independent and impartial tribunal any objection to a metro project which, in the opinion of a local council, will not provide any local benefit commensurate with their proportionate share of the debt to be created. Your commission has been impressed with the fact that, throughout the public hearings, no representative of any local council complained that the Municipal Board had not given full and careful consideration to complaints of this nature, and, in fact, we were not provided with any list of actual applications to the board under this section which were unsuccessfully contested by any one or more local municipalities.

Undoubtedly the corporation, in consideration of its capital program, will have to balance urgent area-wide needs for new projects and improvements of existing works required to further the economic growth of the entire area as against a realistic consideration of the growing burden of local taxation and the necessity for servicing existing funded debts. Many of the financial critics of the policies and proposals of the metropolitan council seem to assume that, because members of that council were directly elected, they would be less responsive to the complaints of taxpayers than members of the local councils who were alleged to be in closer touch with local conditions. The commission, after full consideration, is unable to accept the implications of this criticism and has been unable to find anything in the evidence or the exhibits to justify this sweeping assumption.

In several of the briefs submitted on behalf of the area municipalities, it was suggested that the corporation might, at some future time, be authorized to issue metropolitan debentures not only for its own purposes but for the purposes of any area municipality, and that this would probably result in substantial savings in interest

charges due to the good credit rating of the corporation in the money market, as indicated by the favourable reception of metropolitan issues to date. Debentures issued by the corporation for, and on behalf of a local municipality would be serviced, of course, by special metro levies upon such municipality during the term of the debentures and would be added to the ordinary annual levies against the municipality in question. It is well known that this is an important feature of The Municipality of Metropolitan Toronto Act, previously referred to, and that it has resulted in substantial savings in interest charges to many of the area municipalities without any apparent additional burden on the central city.

After giving this proposal some consideration your commission has concluded that variations in the legal borrowing powers of Winnipeg and the suburban municipalities, as set forth in existing city charters and in general legislation, preclude any amendment of this kind at this time. We believe that the government would not be justified in amending the Act in this manner unless all the area municipalities, including Winnipeg, by by-law or resolution, formally request such action.

We now turn to one of the most difficult and controversial issues raised during the hearings, namely, the method of distributing costs of operating the metro government among the area municipalities as now provided in sections 34 to 37 inclusive of the Act. Certain other sections of the Act have a bearing on this problem, in particular the provisions in section 193 with respect to meetings of the "consultative committee". The basic scheme of the legislation is to permit the metropolitan council to require payment by any area municipality of some portion of the proceeds of business tax and other taxation levied by the area municipality on industrial or commercial property, subject to first obtaining the approval of the Municipal Board after a public hearing following written notice to both the corporation and the area municipalities. Estimated receipts from this source, as well as from other sources, are required to be credited and the balance levied against the area municipalities in the same proportion as the rateable property of each bears to the whole rateable property in the metropolitan area.

As a result of these provisions, metro levies against each of the present 19 municipalities are, in effect, divided into two parts, and an examination of the total metro levies made in 1963 and to be made in 1964 shows the relative importance of these two sources of revenue:

METRO LEVIES 1963 & 1964

	Business and Personal <u>Property Tax Levy</u>	<u>Real Property Levy</u>	<u>Total Levy</u>
1963	\$ 2,851,597	\$ 2,712,500	\$ 5,564,097
1964	2,970,852	3,607,060	6,577,912

When, as appears from the above table, something more than 50% of the total amount of the metropolitan levies against the member municipalities is being collected as a percentage of the proceeds of business and personal property taxes, and when this percentage may vary from year to year as determined by the metropolitan council, subject, however, to the approval of the Municipal Board,⁽ⁱ⁾ it must be obvious that we have here in the Act itself a built-in source of serious and continued dispute and controversy as between the local councils and the metropolitan council. Indeed, section 193 (4) seems to have been drawn in anticipation of such disputes in requiring a mandatory meeting of the consultative committee to be called each year at least two weeks before the metropolitan council adopts its annual estimates. This section, in effect almost invites the representatives of the area municipalities to examine and criticize not only the proposed percentage of business and personal property tax to be turned over to the corporation but also all aspects of proposed metropolitan expenditures for the year, although the Act has placed the sole responsibility for the preparation and adoption of its annual estimates upon the metropolitan council.

In considering this somewhat difficult and troublesome problem it is necessary to encroach to some extent upon the matters referred to the Michener Commission. Unlike many other provinces, local municipalities in Manitoba appear to have been given a considerable discretion with respect to the levy of business tax. Every municipality, in the first place, has the right to determine whether they will impose a business tax or a personal property tax, in which case they are required to make an assessment of personal property within the municipality and the assessed valuation of taxable personal property is subject to taxation at the same mill rate applicable to the assessment of taxable real property. However, municipalities may, in lieu of personal property tax, levy business tax at any rate they see fit, not exceeding 15% on the actual annual rental value of the property where business is carried on, and we are informed that Winnipeg, by the provisions of its charter, has been authorized not only to vary the rate according to the nature of the business carried on but also to impose

(i) 3.37 (2)

business taxes at increasing rates according to the amount of the annual rental value, with a maximum of 20%. In our opinion, these optional features of the existing business tax legislation are responsible for the greater part of the difficulties which have arisen in the administration of the Metropolitan Winnipeg Act which was superimposed upon both the general legislation and the provisions of the Winnipeg charter.

We do not consider that we are expected to discuss the merits of municipal business taxation, and we do not doubt that all aspects of this subject will have been presented to the Michener Commission. Regardless of its merits, the fact remains that in every province business taxes in one form or another constitute a very important source of municipal revenue and, if not continued, will have to be replaced by tax revenues from other sources or increased provincial grants. A brief examination of the Winnipeg budget for 1963, for example, shows estimated revenue from business tax of \$4.4 million, which is approximately 10% of the total revenue, including realty tax, payments in lieu of taxes on exempt properties, and provincial government grants.

With the establishment of the metropolitan corporation and the transfer to it of responsibility for certain joint services and the provision of works and projects required by the metropolitan area as a whole, it is, of course, essential that metropolitan net costs should be distributed among the area municipalities as equitably as possible. This surely requires some common measure of ability to pay. In every metropolitan area there are, and will continue to be, wide variations in the distribution of taxable resources and, therefore, in the fiscal capacity of the constituent units. In all municipalities the major source of revenue required to pay the costs of the services provided by local government, apart from provincial grants and miscellaneous revenue, is the taxation of real property and business. When some of these local services are provided by the metropolitan corporation on behalf of all, there would be no problem in allocating or distributing metropolitan levies with reasonable equity if the same basis of real property and business taxation applied in all the area municipalities. As far as real property taxation is concerned the metropolitan corporation is required to assess all property on a uniform basis throughout the area.

In our view it is essential that at least in the metropolitan area, and at least for the purposes of metropolitan taxation, a change in the legislation to this effect should be made as rapidly as possible. Moreover, it would be impracticable and illogical to have a

uniform basis for business taxation for metropolitan purposes and a different basis for purposes of local taxation, and we believe that all options with respect to this type of taxation now available to the area municipalities should be discontinued, including the right to assess and tax personal property as a substitute for business tax. We have noted that one of the important recommendations of the Municipal Enquiry Commission in Manitoba contained in its report issued in February 1963⁽ⁱ⁾ was a recommendation for a uniform municipal business tax and for the repeal of the provisions respecting personal property taxation, excepting railways, pipelines, gas distribution systems and telephone, telegraph and several special types of personal property. In our opinion it would be preferable to incorporate in The Municipal Act special provisions respecting the methods of assessing this type of property which should be considered, in effect, a special form of real property. For the above reasons, we recommend -

THAT THE METROPOLITAN WINNIPEG ACT BE AMENDED TO PROVIDE A MANDATORY UNIFORM BASIS OF BUSINESS ASSESSMENT AND THAT THE AMOUNT OF SUCH ASSESSMENT BE DEEMED TO BE RATEABLE PROPERTY FOR THE PURPOSE OF APPORTIONING METROPOLITAN LIVES AMONG THE AREA MUNICIPALITIES.

If this recommendation is adopted the provisions of section 37 of the Act as now written would no longer be required and should be repealed.

If the above recommendation is adopted and the basis of business assessment is made uniform in the metropolitan area and, in effect, thereby becomes a surtax on real property used for business purposes, it is our considered opinion that business taxes based upon such assessment should be subject to the same fluctuations in the local mill rate as taxable real property. If the net requirements of the corporation are to be raised, in effect, by a mill rate levied by each area municipality on both real property and business assessments in that municipality and both kinds of assessment are made by the metropolitan assessment commissioner uniformly throughout the area, levies upon the same assessments for local purposes should, in our opinion, be made the same way.

(i) Exhibit # 37

We therefore recommend -

THAT IN THE METROPOLITAN AREA, BUSINESS TAXES BE IMPOSED BY THE AREA MUNICIPALITIES BY APPLYING TO THE TOTAL BUSINESS ASSESSMENT IN THE AREA MUNICIPALITY THE SAME MILL RATE ANNUALLY APPLIED THEREIN TO RATEABLE REAL PROPERTY.

In furtherance of our desire to obtain an equitable apportionment of metro levies among the area municipalities it seems necessary to consider in a general way the question of exemptions from assessment or taxation. Subsection 9 of section 35 appears to be intended to provide that, subject to a special power given to the metropolitan council to reduce its apportionment for the benefit of lands used for agricultural and other purposes, ⁽ⁱ⁾ metropolitan levies are to be calculated and levied "upon the whole rateable property within the municipality according to the last revised assessment roll". This provision is equitable provided that all statutory exemptions from assessment and taxation are uniform throughout the area. However it seems unsafe to assume that this is the case. All exemptions from local taxation must be based upon legislation but such legislation may provide for either mandatory or permissive exemptions.

We do not feel competent to examine all the public and private legislation with respect to exemptions now in force in the metropolitan area but we consider it important to require that, for the purpose of metropolitan levies, only mandatory exemptions imposed by provincial legislation should be taken into account. We therefore recommend -

THAT THE APPORTIONMENT OF THE METROPOLITAN LEVY AMONG THE AREA MUNICIPALITIES SHALL BE BASED UPON THE FULL VALUE OF ALL RATEABLE PROPERTY AND THAT NO FIXED ASSESSMENT OR PARTIAL OR TOTAL EXEMPTION FROM ASSESSMENT OR TAXATION NOT MADE MANDATORY BY PROVINCIAL LEGISLATION SHALL APPLY THERETO EXCEPT AS PROVIDED IN SECTION 36 OF THE ACT.

We believe that if these recommendations are adopted the provisions of section 193 (4)(a) of the Act requiring a mandatory meeting of the consultative committee prior to the adoption by the metropolitan council of its annual estimates should be repealed.

IV - THE FORM AND STRUCTURE OF THE METROPOLITAN GOVERNMENT

One of the most important and certainly one of the most controversial subjects the Commission has been required to consider is the form and structure of the metropolitan government established under the Act. Section 7 provides that the powers of the corporation are to be exercised by by-law or by resolution of the council, except where either under general legislation or by a general procedure by-law a power is specifically required to be exercised by by-law. Then, in a series of sections, it is provided that the metropolitan area is to be governed by a council of ten or eleven persons, including a chairman. One member is elected from each of ten metropolitan electoral divisions comprising the entire metropolitan area. Each division, as nearly as possible, is to contain the same number of electors and also is to include portions of at least two area municipalities and land used for varying purposes.

The responsibility for establishing the first division or for making subsequent changes, if required, is given to the Lieutenant-Governor-in-Council after obtaining reports from the Electoral Divisions Boundaries Commission. The first of such reports was required to be made not later than July 1, 1960, and it is provided that in each tenth year thereafter the Commission must file with the Minister of Municipal Affairs a further report recommending either no change in the boundaries or that changes be made as set out in the report. It is specifically provided that these reports be published by the metropolitan returning officer so that the inhabitants of the metropolitan area may have an opportunity to submit objections, presumably to the Minister and through him to the Provincial Cabinet, before the issue of any order confirming or altering the boundaries of the various divisions.

Perhaps the most unusual feature of this legislation is the requirement that "insofar as practicable, the divisions shall be so constituted that in five divisions a majority of the electors are resident of The City of Winnipeg and in the other five divisions a majority of the electors are not resident in that city." The first report of the Boundaries Commission was issued on June 30, 1960, and, so far as this Commission is aware, complied in every respect with the requirements of the legislation. It divided the metropolitan area into ten numbered divisions with the total number of electors in each division ranging from a minimum of 24,409 to a maximum of 28,571. In each of the divisions 1, 2, 3, 4, and 9, the majority of the electors resided in the City of Winnipeg, while in divisions 5, 6, 7, 8 and 10 the majority of the electors were not residents of the City. Moreover, each division contains a portion of the city, together with portions of

one or more of the area municipalities. As the nomination and election of members of the metropolitan council is clearly intended to take place on the same day as the election of members of local councils and is to be conducted by the agency of the local election officers, the boundaries of the metropolitan electoral divisions were made to correspond with the boundaries of local polling subdivisions, which accounts for the irregular division boundaries.

This Commission, after reviewing and considering the implications of the provisions of this portion of the Act, concludes that they were intended to implement the following basic principles:

- (a) The corporation should be governed by a relatively small council directly elected by the people.
- (b) The fundamental principle of representation by population is to be followed in view of the taxing powers of the council, notwithstanding the fact that taxes for metropolitan purposes are not levied directly but indirectly through levies upon the constituent municipalities.
- (c) The members of the council are not to be in any sense the appointed or instructed delegates of the local councils but are to be elected by and responsible to the electors residing in a specified portion of the entire area without regard to local boundaries established for local purposes.
- (d) The system is designed so as to prevent, so far as possible, an equal division of political power as between the central city on the one hand and the suburbs on the other, and to reduce the possibility of either group being able to dominate the proceedings and control the decisions of the council.

Many vigorous objections to the present organization and composition of the metropolitan council were presented to this commission in the written submissions and in the evidence. In particular, representatives of the area municipalities argued most persuasively that the metropolitan council should include as ex-officio members at least the elected heads of the city and the larger suburbs. The representatives of the outer group of area municipalities requested that there should be some representation from each of their councils or at least from groups of them. Your commission has given most earnest and serious consideration to this important problem which, almost from the beginning, has been the subject of serious and continued local controversy. It has reviewed the recommendations of the Metropolitan Sub-Committee

presented to the government of the Province on this question more than ten years ago (i), which, if adopted, would have resulted in a very large council with some of the members having multiple votes. It has also studied the recommendations of the Greater Winnipeg Investigating Commission (ii), which, if adopted, would have resulted in a council of six members directly elected by metropolitan districts and eight ex-officio members, being the mayors or elected heads of the eight cities or municipalities which that commission proposed to establish by a series of territorial changes. It is well aware that no system of representation so far devised for the government of metropolitan areas, based upon the principle of federation, has been or is likely to be completely satisfactory, especially where, as in this area, there are great variations in the size, taxable resources and population of the constituent local units.

The commission, after lengthy and anxious consideration of all the evidence and exhibits and in the light of actual experience, and having regard particularly to the encouraging progress made under the present system to date after a relatively short period, has finally come to the conclusion that the principles adopted by the government in setting up the present type of council are sound and the present organization should be continued subject, of course, to such further review and evaluation from time to time in the manner contemplated in the Act (iii) and as recommended later in this report.

RECOMMENDATION

THAT NO CHANGE BE MADE IN THE PROVISIONS OF THE ACT PROVIDING FOR THE COMPOSITION AND ELECTION OF THE METROPOLITAN COUNCIL.

Although the subject was raised only briefly during the hearings your commission has given serious thought to the question of the proper term of office of the members of the council and the chairman. Having in mind the nature of the services and projects which are now the exclusive responsibility of the metropolitan authority, many of them involving lengthy engineering and economic reports from skilled and experienced consultants and advisors, it would seem that the present two year term is unlikely to achieve the best results in long term benefits to the present and future inhabitants of this area, and is more likely to result in hurried and perhaps unwise decisions or a tendency to defer or delay any important decisions during a large portion of the year in which an election occurs. All local councils in the area are now elected for a two year term but in some of them, including Winnipeg,

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- (i) Exhibit 34, p.94
 - (ii) Exhibit 35, p.249
 - (iii) Section 210

only the mayor and half the council are elected in one year and the remainder of the council in the following year.

The commission does not feel that it should comment upon the advantages and disadvantages of this so-called "staggered system" in the local elections but for obvious reasons we feel that the Act should require that all local nominations and elections be conducted on the same days, which should also be the days fixed for the nomination and election of members of the metropolitan council. However, we are all convinced that in the case of the metropolitan council the term of office should continue to be four years, as now provided by the Statute for the first council.

The commission has also noted that the Greater Winnipeg Investigating Commission recommended that the term of office of the elected members of the council should be three years (i). Your commission recommends that no change be made in the provisions of the Statute that the terms of office of both the chairman and the members of the council should end at the same time.

RECOMMENDATION

THAT THE TERM OF OFFICE OF THE CHAIRMAN AND THE MEMBERS OF THE METROPOLITAN COUNCIL BE FOUR YEARS AND THAT THE ACT BE AMENDED TO MAKE THIS CHANGE EFFECTIVE FOR THE PURPOSES OF THE 1964 ELECTION.

With respect to the method of appointment of the chairman of the metropolitan council your commission is in agreement with the present provisions of the Statute and believes that no change should be made.

V. INTER-GOVERNMENTAL RELATIONSHIPS

We have been asked to inquire into "inter-governmental relationships of Metropolitan Government and the area municipalities with a view to such technical alterations as will make for more effective local government in the area". (APPENDIX A).

A very considerable portion of the oral evidence given at the public hearings was related to this rather difficult subject in a general way. In addition there were in many of the municipal briefs a number of sweeping statements of opinion on this subject but few of them when closely investigated could be said to be soundly based on fact. In the consideration of the evidence and exhibits as a whole, your commission has concluded that the conflicts and controversies were no more than might have been expected in the initial period of operation of a completely new system of local government involving a rearrangement and reallocation of long-established traditional municipal functions and responsibilities. Your commission has closely examined the portions of the statute which deal with the matters most frequently raised in criticism of the corporation and its officers, hoping that the basis of these complaints might be removed, or at least reduced, by judicious changes in the legislation.

To this end we have attempted to give special attention to the opinions of the elected officials who presented the briefs of their respective councils mostly because we were aware of the fact that the majority of these men had been consistent supporters of the basic principles which found expression in the Act and were sincerely anxious that "Metro Winnipeg" should be a success. Moreover we had no doubt that these locally elected mayors, reeves and members of council were conscious of their continuing obligation to protect what they considered to be the interests of the residents and ratepayers in their respective communities.

Many of their frequently expressed complaints relating to the alleged lack of consideration for the views of the locally elected bodies and, in particular, their repeated statements that the metropolitan council had failed to discuss with the local municipalities various proposals and actions before decisions were made, were not supported in the evidence. In our opinion, these complaints were adequately and effectively answered by the

documentary evidence produced on behalf of the metropolitan corporation showing a very considerable number of meetings either by the council or by committees of the council with representatives of some or all of the area municipalities. For example, it was shown that between January 7th, 1963 and April 29th of the same year, when our public hearings commenced, there had been 20 such meetings.

However, we believe that there was some justification for the complaints made with respect to two important matters which will now be discussed further.

We are of the opinion that a more careful approach to the establishment of the metropolitan street system under section 94 of the Act would have been wise. Responsibility for the establishment and maintenance of a metropolitan street system is one of the most important tasks assigned to the metropolitan government. The assumption of any particular street or portion thereof should be based upon careful planning of an area-wide system of major traffic arteries and, in the view of this commission, decision should be made only after obtaining the best available and up-to-date professional advice. However, as shown by exhibit 1 the metropolitan council, within six months after its election, designated a system comprising some 160 miles of major thoroughfares, apparently on the basis of traffic studies and recommendations originally made by the former metropolitan planning commission more than ten years previously. We have no doubt that the council acted only after a review and possibly some revision of the original major street pattern by its own planning and engineering staff but it would seem that insufficient time for the revision and up-dating of the plan was allowed. It might well have been the desire of the metropolitan council to designate the entire metropolitan street system as quickly as possible in order to relieve the various local municipalities from the costs of cleaning and maintaining these streets. However, we are certainly not in a position to criticize the metropolitan council unduly in this respect or to substitute our judgment for theirs, especially in retrospect.

If local municipalities continue to complain in this matter the Act clearly permits the metropolitan council to amend the by-law establishing the metropolitan street system by removing streets or portions of streets, thereby making the local council responsible for their maintenance and the re-assumption of any outstanding debt.

In consideration of this part of the Act we feel justified in referring to the corresponding provisions of the Metropolitan Toronto Act where

every by-law designating a metropolitan road must be submitted to and approved by the Lieutenant-Governor-in-Council, and every by-law covering the estimated annual expenditure must be submitted to and approved by the Department of Highways in order to qualify for municipal road subsidies made available by the province. (i) Similar amendments to the Metropolitan Winnipeg Act might well be required if the Michener Commission recommends a system of provincial aid on a shared-cost basis for municipal roads generally and if the provincial government adopts such a recommendation. From the point of view of metro, one secondary but not unimportant result would be that the combined opinions of the traffic and highway engineering technical advisors of the province and those of the corporation would, in effect, be available to the metropolitan council before it decides upon any extensions to or changes in the metropolitan street system.

In the meantime we can only suggest that in future, when considering the designation or removal of streets as part of the metropolitan street system, the metropolitan council might well adopt criteria which, when applied to any given road or street, would indicate whether it should be assumed as part of the metropolitan street system. No change in the legislation would be required to give effect to this suggestion.

We turn now to the rather considerable portion of the evidence and submissions relating to the metropolitan development plan and the corporation's power and responsibilities in respect of zoning, building and development control. The commission, without referring in detail to various complaints of this nature, after a careful examination of the relevant provisions of the Act and The Town Planning Act (ii) has decided that certain amendments of The Metro Winnipeg Act might well be made in order to clarify the apparent intent of the legislation, to provide for adequate rights of appeal, and to remove, as far as possible, another apparent source of friction, controversy and misunderstanding in this important field.

In the first place it appears to be necessary to distinguish clearly the proper purpose and function of the metropolitan development plan. This should be a statement of the program and policy of the metropolitan council which, when finally adopted, will guide both public and private development of the entire area and indicate the intended direction and control the rate of urban growth. It must co-ordinate the extension of essential physical services, including proper provision for both public and private transportation of persons and goods. All this is for the purpose of securing, in an orderly way, the health, safety, convenience and welfare of both the present and future inhabitants of the entire area. The development plan

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- (i) R.S.O. 1960, Cap. 260, Pt.V
 - (ii) R.S.M. 1954, Cap. 267.

u. Planning - amdrk. made at last
session but some additional amdrk.
added for to improve procedures.

- 23 -

will not be in any sense a legal document controlling the actual use of lands or buildings but all zoning or other by-laws imposing such controls must necessarily be made in conformity with the development plan and all public works, whether constructed by the metropolitan or the local authorities, should also conform to the development plan. The establishment of a single regional authority authorized to prepare and adopt such a plan is undoubtedly one of the most important functions and responsibilities of the metropolitan council, and all the evidence placed before us indicates that very substantial progress has already been made in this important work.

As the development plan may be expected to be in conflict with the intentions and desires of private developers the Act provides in section 81 for appeals to the board but the board referred to is the board of adjustment whose members are appointed by the council. In our opinion, this feature of the Act must necessarily continue to cause complaints until an appeal of some kind is provided to an independent body. We have noted that in The Town Planning Act town planning schemes which are roughly similar to the metropolitan development plan, have no effect unless approved by written order of the Minister of Municipal Affairs. Similarly, responsibility for the enactment of a comprehensive zoning or land-use control by-law, and the consolidation therein of all existing by-laws or similar regulations in town planning schemes, is placed under the exclusive authority of the metropolitan council as well as responsibility for imposing building construction standards and the enforcement of building codes. Here again, however, any person considering himself aggrieved by the passage of such a by-law is given an appeal only to the board of adjustment and, as we understand it, there is no further appeal from the decision of such board except to the metropolitan council which appointed it.

Having in mind the restriction of private property rights which is an unavoidable accompaniment of the development plan, existing town planning schemes and zoning by-laws, and without any further attempt to discuss the existing legislation in detail, we recommend -

THAT THE RELEVANT SECTIONS OF PART IV OF THE ACT
BE AMENDED IN ACCORDANCE WITH THE FOLLOWING BASIC
PRINCIPLES:

Yes - this
was done at
last session.

- (1) That the expression "metropolitan development plan" be defined so as to make it clear that it is to be a statement of land development policy and not in itself a legal restriction upon the use of lands or buildings in the metropolitan area.

- (2) Exclusive responsibility for the preparation and adoption of the plan should remain with the metropolitan council but it should become effective only after the official approval of the Minister. *Yes - done at last session*
- (3) Provision should be made for public notice of the application to the Minister for approval of the plan in order to give all interested persons, including the area municipalities, an opportunity to file objections. *Yes - has been done.*
- (4) It will be the duty of the Minister to attempt to resolve all differences but where they cannot, in his opinion, be resolved, the statute should provide that the Minister may, and on the application of any area council shall, refer the plan or any portion thereof to the Municipal Board for final adjudication after a public hearing of which due notice has been given to all concerned. *Yes - has been done.*
- (5) The Municipal Board will be required to issue written reasons for its decisions, and thereafter the Minister will be required to deal with the plan only in conformity with the decision of the board. *"*
- (6) The provisions of section 193 providing for a mandatory meeting of the consultative committee prior to the adoption of the development plan by the metropolitan council should be repealed. *"*
- (7) The Metropolitan Council will continue to have exclusive authority for the preparation and enactment of a comprehensive area-wide zoning by-law and for consolidating therein the portions of the existing 17 local zoning by-laws and planning schemes which, in the opinion of the council, should be kept in effect. The metropolitan by-law should become effective only upon approval by the Municipal Board after public hearing and due notice thereof. *"*

- (8) Pending the preparation and enactment of the metropolitan general consolidated zoning by-law the council may adopt amendments of existing schemes or by-laws but such amendments shall become effective only on the approval of the Minister. The Minister may refer objections to such amendments to the Municipal Board for final adjudication but shall only be required so to refer when the objection is made by the local authority which enacted the by-law or scheme which is proposed to be amended.
- (9) The metropolitan council shall continue to be exclusively responsible for the administration and enforcement of existing schemes or zoning by-laws and the metropolitan by-law which replaces them.
- (10) The same procedure and rights of appeal should apply to all future amendments of the metropolitan by-law.

Yes -
has been
done

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In our opinion, it is very important that the powers, duties and jurisdiction of the board of adjustment be specifically and carefully defined and limited in order to prevent any misunderstanding of the special and peculiar function of that board. We therefore recommend -

THAT THE RELEVANT SECTIONS OF PART V OF THE ACT
BE AMENDED IN ACCORDANCE WITH THE FOLLOWING
PRINCIPLES:

- (1) The jurisdiction and power of the board of adjustment shall be limited to the authorization of minor variances from the provisions of both existing zoning by-laws and planning schemes, and any zoning by-law adopted by the metropolitan council, provided that, in the opinion of the board, the general intent and purpose of the by-law and of the development plan are maintained.
- (2) The board of adjustment may adopt rules of procedure, including provision for the payment of a reasonable fee by applicants for variances but such rules shall become

Yes -
has been
done

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effective only on the approval of the Minister or, if in accordance with regulations made by the Minister, under the authority of The Town Planning Act.

- (3) There should be an appeal from any decision of the board of adjustment direct to the Municipal Board
- (a) by any interested person;
 - (b) by any local authority if the by-law or scheme is one originally passed by it;
 - (c) by the metropolitan planning director if authorized by the council;
 - (d) by the Minister or any officer of the department authorized by him.
- (4) The present appeal from the board of adjustment to the metropolitan council should be abolished.
- (5) The provisions of section 93 of the Act providing for a system of appeals in respect of schemes for compensation should likewise be abolished.
- (6) There should be no provision for the payment of compensation payable by reason of the adoption of the development plan or by-laws passed to implement such plan.
- (7) When the development plan is in effect no public work shall be undertaken and no by-law shall be passed for any purpose that does not conform therewith.

Yes - done
but no
right of
appeal from
the Minister

Yes.

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In our opinion, these substantial amendments of the existing legislation, if adopted, will, when thoroughly understood by all concerned, amply protect the interests of property owners and the area municipalities. The Municipal Board will provide final adjudication by an impartial, independent provincial tribunal. Some limitation of private property rights to a greater or less degree is inherent in every development scheme or zoning by-law but it can be justified if it can be shown to be necessary in the public interest,

and the burden of proof throughout will rest upon the metropolitan council. If after a full and fair public hearing the Municipal Board is satisfied that in the public interest the plan or by-law must be approved there can be no justification for any claim for compensation.

VI. METROPOLITAN BOUNDARIES

The commission has been requested to consider the suitability of the present boundaries of the metropolitan corporations and the area municipalities "in the light of the services required"⁽ⁱ⁾.

In approaching this important subject this commission had to be mindful of the terms of the subsequent Order-in-Council, dated February 13, 1963, appointing "The Manitoba Royal Commission on Local Government Organization and Finance" under the chairmanship of the Hon. Roland Michener, Q.C., which has become known as the Michener Commission. An extract from the terms of reference of that commission is one of the exhibits listed in Appendix C ⁽ⁱⁱ⁾. Although the inquiry conducted by the Michener Commission is to exclude those aspects of the review to be conducted by this commission "which are not of general application"⁽ⁱⁱⁱ⁾, it has seemed to us that any attempt on our part to consider the suitability of the boundaries of each of the nineteen local area municipalities in the metropolitan area should be limited to situations having some significance in our study of the outer boundaries of the metropolitan area as a whole, including the additional zone. In effect, it is our view that problems of interior boundary adjustment within the metropolitan area, and their suitability in view of the local responsibilities of the area municipalities, is a problem which does not differ in kind from similar problems throughout the province. Moreover both in the written submissions and in the evidence little or no reference was made to this subject and we are not familiar with the provisions of the general legislation providing for municipal boundary adjustments.

As we have not recommended any change in the composition and method of election of the metropolitan council, we do not propose to follow the example of the Greater Winnipeg Investigating Commission, which recommended an extensive re-division of the municipalities with the object of reducing the number. ^(iv)

We believe that we should confine our attention to the suitability of the outer boundary of the metropolitan area, as described in Section 3 of the Act, and the boundary of "the additional zone", as described in Subsection 4 of the same Section. All the major powers and duties of the corporation are to be exercised and discharged within the metropolitan area and metro levies are to be made only upon the area municipalities, which means any municipality lying partly or wholly within the metropolitan area. In the additional zone the powers of the metropolitan council are confined to certain planning, zoning and building control functions, which have been referred to in an earlier part of this report.

Neither in the reports nor the exhibits is there any factual explanation of the reasons why the boundary of the metropolitan area was placed in its present location. A number of witnesses suggested that its location was in fact determined by the location of the perimeter highway, a project of the province which is designed to permit through traffic to by-pass the entire urban and suburban area and to provide relatively easy inter-connections with existing provincial highways radiating out from the

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- (i) Appendix A.
 - (ii) Appendix C, Ex. 6.
 - (iii) Ex. 6, para. (9) (g)
 - (iv) Ex. 35, p. 251.

the city. As a matter of fact the metropolitan boundary closely follows the location of the perimeter highway as finally determined by the province, and is about one-half mile beyond it, except in the north-eastern section where the metropolitan boundary is extended to include a large part of East St. Paul and a somewhat smaller portion of West St. Paul. At present there are nine area municipalities entirely within the metropolitan area and another ten municipalities partly within the boundary, as follows:

Entirely in Metro Area

Brooklands
East Kildonan
North Kildonan
Old Kildonan
St. James
Transcona
Tuxedo
West Kildonan
Winnipeg

Partly in Metro Area

Assiniboia
Charleswood
East St. Paul
Fort Garry
Macdonald
Rosser
Springfield
St. Boniface
St. Vital
West St. Paul

Although it is commonly thought that the whole of St. Boniface is within the metropolitan area, we are informed that a very small portion at the extreme south-east corner of that city is actually outside the boundary but within the additional zone.

Early in our public hearings we considered the briefs of five of the rural municipalities which are now partly within the metropolitan area. These municipalities, namely, Macdonald, Springfield, East St. Paul, Rosser and West St. Paul, submitted that, in view of the predominantly agricultural nature of their communities, the probability that metropolitan services would probably not be available to serve their portions of the metro area for a very long time and the fact that the limited number of electors in the portions of these municipalities within the metro area could hardly hope to have any influence in the election of members of the council, they should be entirely excluded from the metropolitan area and much smaller portions of their municipalities should be included in the additional zone.

The commission finds, upon an examination of the reports of the consulting engineers with respect to the extension of sewage works (i) and waterworks (ii), as well as the Draft Development Plan prepared by the planning division of the corporation which had not been completed at the time of the hearings, but has since been issued (iii), there is considerable support for the position taken by these municipalities. For example, the suggested staging of the expansion of waterworks, which is based to a large extent on a considered estimate of the rate of population growth in the metropolitan area, indicates that expansion of metro mains to serve these areas will not be required in general until the period between 1975 and 1981.

(i) Ex. 29 & 30.
(ii) Ex. 31 & 32.
(iii) Ex. 36.

In addition, the commission is strongly of the opinion that every effort must be made to reduce the number of municipalities which are only partly in the metropolitan area and that so far as possible, the outer boundaries of the metropolitan area should coincide with local municipal boundaries.

A brief physical examination of the outer parts of the metropolitan area as presently established indicates clearly the unrealistic character of the additional zone as now defined. We therefore recommend:-

THAT NO PORTION OF THE MUNICIPALITIES OF MACDONALD, ROSSER, WEST ST. PAUL, WEST ST. PAUL AND SPRINGFIELD, AS NOW ESTABLISHED, BE INCLUDED WITHIN THE METROPOLITAN AREA.

It is necessary to refer briefly to the anomalous situation in Fort Garry and St. Vital where, in both cases, only the northern parts of the municipalities, containing by far the greater part of population and assessment, are within the metropolitan area, except in the case of Fort Garry, an irregular area extending south along the Pembina Highway and the hamlet of St. Norbert. We believe that there is ample justification for including within the metropolitan area all of both municipalities. With respect to the effect of metro taxation in the agricultural areas south of the present boundary the situation appears to be no different from that of the very extensive agricultural areas in both Fort Garry and St. Vital, and St. Boniface north of the present metropolitan boundary. We therefore recommend:-

THAT THE WHOLE OF THE MUNICIPALITIES OF FORT GARRY AND ST. VITAL BE INCLUDED IN THE METROPOLITAN AREA.

In the municipalities of Assiniboia and Charleswood there appears to be every indication that further urban and suburban development, which has progressed rapidly in recent years westerly towards the perimeter highway, will eventually continue farther west into the remaining portions of both municipalities. However, we do not believe that an extension westward of the metropolitan boundary to the western boundary of these municipalities would be justified at this time but these outer parts should remain in the additional zone. A sketch map illustrating our proposals for changes in the boundary of the metropolitan area is attached to this report as Appendix E.

If our recommendations are implemented there will be twelve municipalities entirely within the metropolitan area and two more partly in and partly out. It is to be expected that these changes will greatly simplify administrative problems of all kinds and, incidentally, according to our computations, will leave approximately 170 square miles of territory within the metropolitan area. If and when this huge territory is developed, on the basis of an average density of no more than 15 persons per gross acre, it would provide room for a population of more than 1.5 millions. This may be compared with the population forecasts contained in Exhibits 31 and 37, forecasting a population by 1981 of between 800,000 and 875,000.

With respect to the present additional zone we find it difficult to justify its size, while fully recognizing the need for adequate controls of future fringe development immediately beyond the limits of the metropolitan area in the best interests of the present and future residents of the entire area. Moreover, the actual location of the site of the Greater Winnipeg Floodway around the southeastern and eastern boundaries of the area has introduced a new and important factor in the determination of the proper outer limits of the additional zone, which at present includes very substantial areas in Ritchot, Tache and Springfield. A recent inspection of the portions of the work which are now in progress indicates that, when completed, this project will interpose an extremely wide physical barrier to urban or suburban development beyond the floodway.

In the south the proposed inclusion of the whole of Fort Garry and St. Vital would appear to make it unnecessary to extend the additional zone any farther south, and it seems logical that the boundary of the additional zone should coincide with the northern boundary of East St. Paul and West St. Paul. In Rosser and Macdonald the additional zone, in our opinion, should be reduced so as to follow the boundaries of the portions of those municipalities now within the metropolitan area. In Assiniboia and Charleswood we believe the boundary of the additional zone should remain unchanged for reasons which have already been indicated. For these reasons it is recommended:-

THAT THE EXTENT OF THE ADDITIONAL ZONE BE REDUCED SO AS TO FOLLOW THE EASTERN BOUNDARY OF THE GREATER WINNIPEG FLOODWAY, THE NORTHERN BOUNDARY OF EAST ST PAUL AND WEST ST. PAUL, THE PRESENT BOUNDARY OF THE PARTS OF ROSSER AND MACDONALD NOW WITHIN THE METROPOLITAN AREA, THE PORTIONS OF ASSINIBOIA AND CHARLESWOOD NOW IN THE ADDITIONAL ZONE, AND THE BOUNDARIES OF FORT GARRY AND ST. VITAL ALL AS SHOWN IN APPENDIX E TO THIS REPORT.

VII. CONCLUSION

The commission has now completed to the best of its ability its review of the actual operation of the system of local government established in this area by The Metropolitan Winnipeg Act, 1960. We have attempted to cover each of the main fields of inquiry outlined in the Order-in-Council appointing the commission, and all that now remains is the addition of some general observations.

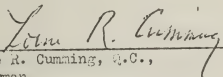
In the first place we feel that it is desirable to emphasize once again the fact that our investigation has necessarily been confined to the first three years of the existence of a new and relatively unknown local government institution. The inauguration of any major reorganization of either a system of government or a commercial institution necessarily results in a period of readjustment until those concerned have had sufficient time to obtain a better understanding of the basic reasons for the reorganization and have made the numerous and often quite personal readjustments which are necessary. In the field of local government the need for such secondary but important personal readjustment on the part of both the elected and appointed officials is, in many ways, as essential as any formal amendments of the governing legislation.

Notwithstanding the number of recommendations which we have made in this report we have no hesitation in finding that, on the whole, the basic advantages of the local government system established by the Act have been demonstrated beyond question, even at this early date, and may confidently be expected to provide a more effective organization of municipal services, whether regional or local in character, for the present and future inhabitants of this area. We feel justified in stating, also, that we have found no justifiable grounds for criticism and no real defects in the interior administrative organization which the metropolitan council has set up for the effective performance of its important duties and responsibilities. Although we have made a number of recommendations which, in our opinion, will improve inter-governmental relationships, and although some of these recommendations relate to technical matters and are therefore necessarily lengthy, it should be apparent that we have found no need for any change in the basic principles of the statute.

We now wish to place on record our sincere appreciation of the co-operation which has been extended to us throughout the investigation. We were particularly impressed by the interest shown by an unusually large number of non-political organizations such as

The Community Planning Association of Canada, The Winnipeg Chamber of Commerce, the Manitoba Association of Architects, the Urban Development Institute, and the other associations and individuals listed in APPENDIX B. We also extend our thanks to the elected and appointed officials of the various area municipalities responsible for the preparation of the municipal briefs and supplemental statements listed in the first part of the appendix. The members of your commission would like to take this opportunity also to express their appreciation for the able and essential services provided by the commission's secretary, Mr. R. M. Farrow, and Mrs. J. R. Gordon, who acted as assistant secretary in the actual writing of this report, without whose able assistance it would have been impossible to complete this report at this time.

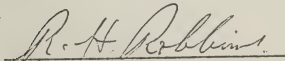
All of which is respectfully submitted.



Lorne R. Cumming, Q.C.,
Chairman.



G. Sydney Halter, Q.C.,
Commissioner.



Russell H. Robbins,
Commissioner.

A P P E N D I C E S

THE REPORT OF THE METROPOLITAN CORPORATION OF GREATER WINNIPEG
R E V I E W C O M M I S S I O N

APPENDIX A

REPORT OF THE METROPOLITAN CORPORATION OF GREATER
WINNIPEG REVIEW COMMISSION

ORDER-IN-COUNCIL, NO. 1250/62, DATED OCTOBER 2, 1962.

The Honourable the Acting Minister of Municipal Affairs having submitted to Council a report setting forth that:

WHEREAS it is deemed to be in the public interest that the operation and activities of the Metropolitan Corporation of Greater Winnipeg and the area municipalities thereunder be now made the subject of a public review;

AND WHEREAS Section 210 of The Metropolitan Winnipeg Act as amended provides as follows:

"210 In or before the year 1965, the Lieutenant-Governor-in-Council may,

(a) appoint a committee of such number of persons as he deems to be suitable; or

(b) appoint under Part V of The Manitoba Evidence Act, such commissioners as he deems suitable;

to review the whole field of common municipal services including those to which this Act applies, and to review the operation of this Act and the activities of the corporation and the area municipalities thereunder, and to consider such other relevant matters as the Lieutenant-Governor-in-Council may prescribe; and the committee or the commissioners shall report to the Lieutenant-Governor-in-Council with respect to the matters referred to them and shall set forth in the report their findings and recommendations."

AND WHEREAS sections 80 and 93 of The Manitoba Evidence Act provide in part as follows:

"80 (1) The Lieutenant-Governor-in-Council where he deems it expedient to cause inquiry to be made into and concerning any matter within the jurisdiction of the Legislature and connected with or affecting

(a) the good government of the province or the conduct of any part of the public business thereof;

(b) the conduct of any provincial institution within the province receiving provincial aid;

(c)

(d)

(e) the affairs of any municipality, municipal district, or corporation, existing for any municipal purpose, or

(f) any matter which, in his opinion, is of sufficient public importance to justify an inquiry; may if the inquiry is not otherwise regulated, appoint one or more commissioners to make the inquiry and to report thereon."

"93 The Lieutenant-Governor-in-Council may make provision, either generally in regard to all commissions issued and inquiries held under this Part, or specially in regard to any such commission and inquiry, for all or any of the matters following, that is to say

(a) the remuneration of commissioners and persons employed or engaged to assist in the inquiry, including witnesses;

(b) the payment of incidental and necessary expenses; and

(c) generally, in respect of all such acts, matters and things, as are necessary to enable complete effect to be given to every provision of this Part."

THEREFORE, he, the Acting Minister, recommends:

THAT under and by virtue of all the powers, privileges and prerogatives vested in or appertaining to Her Majesty and under and by virtue of Part V of The Manitoba Evidence Act, it be ordered as hereinafter set forth:

(1) A Commission is hereby established to be known as "The Metropolitan Corporation of Greater Winnipeg Review Commission" (hereinafter called "The Commission") consisting of the persons herein named together with such other person or persons as hereafter may be appointed to the Commission by Order-in-Council.

(2) the members of the Commission shall be

(a) Lorne R. Cumming, Esq., Q.C., Deputy Minister, Department of Municipal Affairs, Province of Ontario

(b) Sydney G. Malter, Esq., Q.C., Barrister, City of Winnipeg, Manitoba

(c) Robert B. Russell, Esq., Labour Executive, Winnipeg, Manitoba.

(3) That the Chairman of the Commission shall be Lorne R. Cumming, Esq., Q.C.

(4) The Secretary of the Commission shall be Ronald M. Farrow, Esq.,

(5) The members of the Commission be empowered to settle and regulate the procedure of the Commission.

(6) The Commission may employ such staff and assistance as it may require.

(7) The Commission hold one or more public hearings at such place and time as the Commission may consider desirable.

(8) That the purposes, objects and duties of the Commission shall be to inquire into all facts and circumstances relating to:

(a) The financial relationships of the Metropolitan Corporation of the area municipalities.

(b) The form and structure of the Metropolitan Government with a view to the adjustment of any factors that will make for more effective relationship with the area municipalities.

(c) The structure and methods of the inter-governmental relationships of Metropolitan Government and the area municipalities with a view to such technical alterations as will make for more effective local government in the area.

(d) The boundaries of the Metropolitan Corporation and all the area municipalities and their suitability in the light of the services required.

(e) Generally all matters pertinent to Metropolitan Government in Greater Winnipeg, not being inconsistent with matters herein above-mentioned which the Commission may deem appropriate or which the Lieutenant-Governor-in-Council may refer to from time to time.

(9) All persons by the Order-in-Council or hereinafter appointed members of the Commission, be Commissioners under Part V of The Manitoba Evidence Act with all the powers of commissioners appointed thereunder and pursuant to the powers conferred by Part V of The Manitoba Evidence Act make inquiries for the purpose hereinbefore mentioned and report thereon to the Lieutenant-Governor-in-Council.

(10) On the certificate of the Honourable the Minister of Municipal Affairs there shall be paid from time to time and charged to the Consolidated Fund

(a) Honoraria to the members of the Commission in such amounts as the Lieutenant-Governor-in-Council may direct.

(b) Travelling and living expenses of the Commission and staff.

(c) Advances on account of (b) above.

(d) All their incidental and necessary expenses incurred by the Commission in all or any of its proceedings and undertakings.

ORDER-IN-COUNCIL, NO. 1597/62, DATED DECEMBER 19, 1962

The Honourable the Minister of Municipal Affairs having submitted to Council a report setting forth that:

WHEREAS by Order-in-Council 1250/62 the Lieutenant-Governor-in-Council established the Metropolitan Corporation of Greater Winnipeg Review Commission under The Manitoba Evidence Act;

AND WHEREAS by that Order-in-Council the Lieutenant-Governor-in-Council appointed Robert B. Russell as a member of the Commission;

AND WHEREAS by reason of ill health Robert B. Russell is unable to act as a member of the Commission;

AND WHEREAS it is deemed advisable to revoke the appointment of Robert B. Russell as a member of the Commission, and to appoint Russell H. Robbins as a member of the Commission

THEREFORE he, the Minister, recommends:

1. THAT the appointment of Robert B. Russell as a member of the Metropolitan Corporation of Greater Winnipeg Review Commission be revoked.
2. THAT Russell H. Robbins be appointed a member of the Metropolitan Corporation of Greater Winnipeg Review Commission to replace Robert B. Russell.

APPENDIX B

THE REPORT OF THE METROPOLITAN CORPORATION OF GREATER WINNIPEG REVIEW COMMISSION

LIST OF BRIEFS AND SUBMISSIONS

M U N I C I P A L I T I E S

ORGANIZATIONS AND ASSOCIATIONS

I N D I V I D U A L S

MUNICIPALITIES

- Rural Municipality of Assiniboia
- Rural Municipality of Charleswood & Supplementary
- City of East Kildonan
- Rural Municipality of East St. Paul
- Rural Municipality of Fort Garry
- Rural Municipality of MacDonald
- Rural Municipality of North Kildonan
- Rural Municipality of Old Kildonan & Supplementary
- Rural Municipality of Rosser
- City of St. Boniface
- City of St. James
- City of St. Vital
- Rural Municipality of Springfield
- City of Transcona
- Town of Tuxedo
- City of West Kildonan
- Rural Municipality of West St. Paul
- City of Winnipeg & Supplementary
- Metropolitan Corporation of Greater Winnipeg & Supplementary
- Joint Municipal Submission
- Rebuttal brief: Rural Municipality of MacDonald, Rosser and Springfield

ASSOCIATIONS AND ORGANIZATIONS

1. Association d'Education des Canadiens Francais du Manitoba
2. Communist Party of Canada
3. Community Planning Association of Canada
4. Community Welfare Planning Council
5. Downtown Business Association

APPENDIX BAssociations and Organizations

6. The Manitoba Association of Architects
7. The Mayors and Reeves Association of Greater Winnipeg
8. Charleswood Golf Club Limited, Glendale Golf & Country Club, St. Charles Country Club
9. Urban Development Institute
10. Winnipeg Builders Exchange
11. Winnipeg Chamber of Commerce
12. Winnipeg House Builders Association

INDIVIDUALS

1. Rev. R. T. Beaverstock
2. Albert E. Bennett, F. C. A.
3. S. Bordman
4. R. Darwin Chase
5. Art Coulter
6. James Cowan, Q. C.
7. Alderman Mark W. Danzker
8. Kenneth Emberley
9. Mayor L. R. Fennell (R. M. of Fort Garry)
10. Albert H. Fisher & Supplementary
11. Georges Forest
12. Hart Green Jr. Q.C.
13. Mayor C. N. Kushner (West Kildonan)
14. C. E. L'Ami
15. Robert E. Moffat
16. Geo. T. McIntosh
17. S. Sweeney
18. Jack Willis
19. B. R. Wolfe
20. Charles P. Bennett
21. M. D. Herneshen
22. R. S. Martin
23. Leonard Krueger
24. Leo St. C. Warde

APPENDIX C

REPORT OF THE METROPOLITAN CORPORATION OF GREATER
WINNIPEG REVIEW COMMISSION

LIST OF EXHIBITS

1. Metro Street System - Map
2. Metro Organization Chart
3. Metro Parks Development - 1961
4. History of Mosquito Abatement Control
5. Metro Levy 1961 & 1962. Projected Cost of Services transferred to Metro
6. Michener Commission - Terms of Reference
7. Metro Capital Estimates - 1963.
8. Old Kildonan: Tax Demand 1963
- 9.)
- 10.) St. James: Road Maintenance & Snow Removal
11. Metro Reply to St. James Road Exhibit
12. Garbage Disposal Report
13. Administrative Procedure - Building Permits
14. Development Plan - Progress Report
15. Checking of Local Water Distribution Works
16. Meetings held between Metro and Area Municipalities re Development Plans
17. Metro Current Revenue and Expenditure Estimates - December 31, 1963
18. Hurst Reservoir and Pumping Station Assessment
19. Tax Position of Utilities in Manitoba
20. Building Permit Fees - Springfield
21. Zoning and Building Matters raised at Hearing

APPENDIX C

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22. Further Material re Golf Clubs' Brief
23. Mayor Kushner: Submitted at Hearing
24. Metro Planning Division - Statistical Summary
25. Assessment Summaries - 1962
26. Metro Reports Forwarded to Area Municipalities
27. Liaison between Metro and the Area Municipalities
28. Alberta Zoning By-Laws - Submitted by Urban Development Institute
29. Report on Sewerage Facilities - South District of Metropolitan Winnipeg. (August, 1961)
30. Report on Expansion of Sewage Works in North District of Metropolitan Winnipeg. (August, 1961)
31. Report on Waterworks Development in Metropolitan Winnipeg to 1981 (March, 1961)
32. Report to Greater Winnipeg Water District on Metro Water Works System to 1965. (November, 1960)
33. File containing data submitted by City of Winnipeg

ADDITIONAL EXHIBITS

34. Report of Manitoba Provincial-Municipal Committee 1953 and Policy Statement.
35. Report of Greater Winnipeg Investigating Commission 1955-1959
36. Draft Development Plan Metropolitan Winnipeg. September 3, 1963.
37. Report of the Municipal Enquiry Commission in Manitoba, February, 1963.

APPENDIX D

REPORT OF THE METROPOLITAN CORPORATION OF GREATER
WINNIPEG REVIEW COMMISSION

INTERIM REPORT OF THE COMMISSION

DATED MAY 10, 1963

His Honour Errick F. Willis,
The Lieutenant-Governor of Manitoba.

May It Please Your Honour:

The Commission established under Your Honour's Order dated the 2nd day of October 1962, (1250/62), known as the "Metropolitan Corporation of Greater Winnipeg Review Commission", now begs leave to submit to Your Honour an interim report with respect to the purposes, objects and duties of the Commission as set forth in the said Order-in-Council in the light of the purposes, objects and duties assigned to the "Manitoba Royal Commission on Local Government Organization and Finance" by Your Honour's Order dated the 13th day of February 1963, (183/63).

Your Commission, during the course of its enquiry, has found it necessary to determine whether its purposes, objects and duties required it to enquire into matters relating to existing or proposed financial assistance by the Province, to the Metropolitan Corporation of Greater Winnipeg or its constituent municipalities, and a number of related matters matters which your Commission considered to have been assigned to the Commission appointed by the said Order-in-Council No. 183/63 as set out in Paragraph 9 thereof.

Your Commission has, after full consideration, ruled that all such matters did not fall within the scope of its terms of reference but on the contrary have been included in the duties of the said Commission appointed by the said Order-in-Council No. 183/63. Accordingly, your Commission has not dealt with such matters and will not submit any recommendations with respect thereto in its final report.

Respectfully submitted,

Lorne R. Cumming

G. Sydney Walter

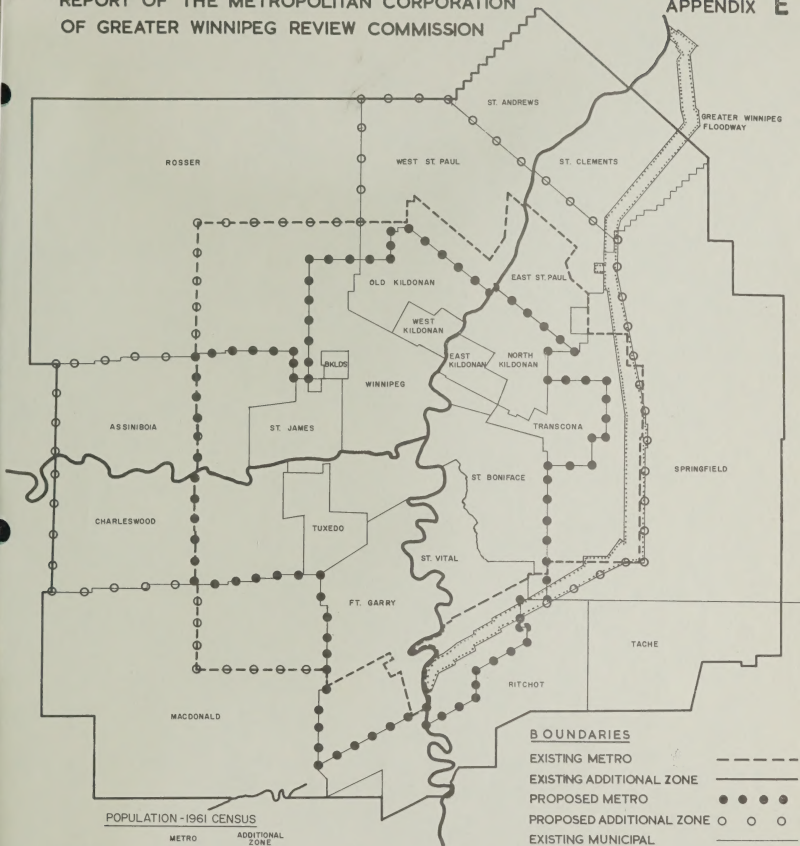
Russell H. Robbins

Winnipeg, Manitoba.

May 10, 1963.

REPORT OF THE METROPOLITAN CORPORATION OF GREATER WINNIPEG REVIEW COMMISSION

APPENDIX E



POPULATION - 1961 CENSUS

	METRO	ADDITIONAL ZONE
ASSINIBOIA	5,074	1,014
BROOKLANDS	4,369	—
CHARLESWOOD	5,795	448
EAST KILDONAN	27,305	—
EAST ST. PAUL	—	1,982
FORT GARRY	17,528	—
MACDONALD (C)	—	180
NORTH KILDONAN	8,888	—
OLD KILDONAN	1,327	—
ROSSER	—	350
SPRINGFIELD (C)	—	220
ST. BONIFACE	37,600	—
ST. JAMES	33,977	—
ST. VITAL	27,269	—
TRANSCONA	14,248	—
TUXEDO	1,627	—
WEST KILDONAN	20,077	—
WEST ST. PAUL	—	2,032
WINNIPEG (A)	265,999	—

TOTALS 471,083 6,226

(A) - ROSSER ANNEXATION ADDED

(C) - ESTIMATED



